

Deficiency Progress Report

To complete the evaluation process, Cal/EPA requires the CUPAs to submit Deficiency Progress Reports that explain the CUPA's progress towards correcting the identified deficiencies. Deficiency Progress Reports are due every 90 days after the evaluation date until all deficiencies have been corrected.

CUPA: Kings County Environmental Health Services
Evaluation Date: March 26 and 27, 2008
Evaluators: JoAnn Jaschke, CalEPA
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Date Update 1 submitted: June 20, 2008 by Tim Fillmore, Supervising EHO

Deficiency 3: The Kings County CUPA is not ensuring that business plans are complete and accurate.

Preliminary Corrective Action(s): By May 1, 2009, the Kings County CUPA must ensure that inventory forms are complete and accurate.

Additionally, the Kings County CUPA must develop a mechanism to ensure that all inventory forms submitted by March 1, 2009 are complete and accurate.

CUPA Corrective Action, (Update 1): Since the March 2008 evaluation the Kings County CUPA has taken the following steps in order to ensure that submitted inventory forms are complete and accurate:

1. We have recently completed data entry of all of our existing business plan information into our Envision system. All HMBP and other UP forms are now able to be printed for the hard files when changes are made. Decade is working on updating the reports to comply with the recent Title 27 changes.
2. We have completed a review of our existing key chemical inventory electronic data fields such as chemical name, storage amounts, location, container type, etc. and have verified that all fields contain current information.
3. Additional staff training has been conducted in order to review existing policies regarding pre-inspection file review procedures and maintaining accuracy and completeness in the collection and transfer of data. We plan to continue periodic staff refresher training to reinforce ongoing consistency of data collection procedures.

Based on the above information we believe that this deficiency should be listed as corrected at this time.

OSFM Response: The correct actions taken by the CUPA sufficiently correct this deficiency. No further updates are needed for this deficiency.

Deficiency 4: The inspection report does not document or detail the inspection, but, consists of summary of violations/NTC only.

Preliminary Corrective Action(s): The CUPA shall develop a detailed inspection report showing the items reviewed by June 27, 2008.

CUPA Corrective Action, (Update 1): This deficiency is under review by the Unified Program Administration and Advisory Group (UPAAG) and the Inspection and Enforcement Steering Committee; therefore, no action has been taken.

In the opinion of the CUPA this should not be listed as a deficiency in any case. HSC section 25288 (b) relating to UST inspections specifies that "After an inspection conducted pursuant to subdivision (a), the local agency shall prepare a compliance report detailing the inspection". HSC 25185(c)(2)(A) relating to hazardous waste inspections states that "the local officer.....shall prepare an inspection report which shall fully detail all observations made at the facility or site, all alleged violations, the factual basis for alleging those violations, and any corrective actions that should be taken by the operator of the facility or site".

There is no mandated checklist or other particular type of inspection report form. Our current electronic inspection report form consists of detailed violation description and code reference information, specific corrective actions for each violation, a section for general observations and comments entered by the inspector, and a certification of return to compliance section if violations are cited. Although not in a checklist format, it is our opinion that providing this type of report does in fact document the inspection in more than sufficient detail to comply with the wording in both HSC sections referenced above. It should also be noted that several other agencies are either now or will soon be conducting similar electronic inspections and producing similar looking printed inspection reports. This has not been consistently noted as a deficiency for other CUPAs using the same type of report.

Cal/EPA and SWRCB Response: Unfortunately, Cal/EPA and the SWRCB can not rescind or consider this deficiency corrected since this deficiency is under review by the Unified Program Administration and Advisory Group (UPAAG) and the Inspection and Enforcement Steering Committee. Cal/EPA and SWRCB are delaying responding to this pending the outcome of the review. In addition, Cal/EPA and SWRCB are extending the due date to correct this deficiency pending the outcome of the review.